

dispute, and that is what is happening here.

We are asked about whether we are prepared to hold this legislation up. The fact of the matter is this FAA legislation could pass as far as I am concerned immediately with unanimous consent this afternoon, right now.

Federal Express is the one that is holding this up. They are the ones that are holding this up. We will have a chance to get into that in greater detail over these next few days to see whether they are justified in that particular provision. I do not believe they are justified in it.

The effective impact, Mr. President, is, as we know, that if it is defined that this particular group, those who drive trucks, are going to be defined as being air carriers—which is effectively what they want to be able to try to do because air carriers have the requirements of having a national board or a national group in order to be able to bargain collectively, because of the definition of "air carrier." But we have not done that with regard to the trucking industry.

We have not done that with regard to the trucking industry. Now, Federal Express wants to have that same application for local trucking companies, and the local truck companies say, "Let us bargain. Let us become a union. Let us make a judgment decision whether we favor to become a union or not and if we do, let us be able to bargain collectively." Federal Express says, "No, you have to have a national organization. You truckers that are there in small towns have to be able to get the people in the Far West, every community in this country that is served by Federal Express, get every local trucking driver and get a national organization or a national board." That is what Federal Express wants to be able to do.

Now, that is such a convoluted interpretation of what the history and the interpretation of either the Railway Act or the National Labor Relations Act is as to be stunning. And they want to do it on this legislation. They are not even prepared to let it go to the committee and have hearings and hear about it. No, they want it on this legislation, and they want to do it for this one company, for this one company.

So, Mr. President, we are asked to just roll over. That is the effect. This idea that it is just an oversight, as I mentioned earlier, I think we ought to not look just at what the proponents are trying to suggest, but for the analysis done by the Congressional Research Service that has reviewed the history. There will be those that will say this is not really affecting workers' rights. Of course it does. It affects a particular situation that is taking place today in Pennsylvania that is under review in litigation today. Are we prepared to say, "Let the litigation come to end?" No, no, we are not. We are prepared to impose, we are prepared to impose a legislative answer on that.

I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from South Carolina.

Mr. HOLLINGS. I ask unanimous consent to continue now for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, I just returned to the city a short time ago, and I am sorry I did not hear the arguments earlier today relative to the FAA authorization bill, nor did I have an opportunity to hear my distinguished colleague from Massachusetts and all of his comments, but I was interested as I walked in to hear him talk about safety.

Mr. President, there is a special interest. My colleague was talking about a special interest. There is a special interest that I would like to represent that is best delineated by none other than Mark Twain. Mark Twain said, "Truth is such a precious thing it should be used very sparingly." I represent that special interest of truth on this particular matter, and the facts will sustain it.

What happens is we had the ICC Termination Act last year, and in the engrossing, the final drafting up of the document for the President's signature, everyone had gone. There was just staff there checking. Here is a case of the railway express being sent to the lawyer at ICC who said, "I think you can just leave that out." The two little words "express carrier" were deleted from the ICC Termination Act.

However, there is no question, no one knows of this. I challenge the Senator from Massachusetts who feels so strongly and wants to tell us about cases he can read to the Members, I challenge the Senator to point to me, the Senator point to me, the House Member, who said I wanted to make sure I introduced it, or I brought it up or I discussed it.

The reason I emphasize that, because my colleague now talks about jamming, and at the last minute changing and whatever it is. What the Senator from South Carolina wants to do is correct that jamming, if that is what it was. He said it was intended. I have not seen the CRS opinion, but I will get it. That specifically is in contradiction to the Termination Act.

I will read from the act of 1995, December 15, just last year, section 10501 "General Jurisdiction." "The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act."

So, there is a manifest intent of the Congress. They were not affecting rights that now we are trying to grab and change around. Heavens above, since this institution, Federal Express is an air carrier, has been, to the sur-

prise of many, governed by the Railway Labor Act.

In fact, they had a hearing on the day he is talking about over in Philadelphia and they have already ruled. They ruled November 22, 1995, that Federal Express had taken the right position. They did not rely on the express language in the ICC Act, but general law where they find them both as an air carrier and as an express carrier. Everyone that has practiced in this particular field will tell you that is the format of law. Some will contend, what is the matter if the law has not changed? I am trying to change an ambiguity, but more than that, I am trying my best to forestall an assault on the truth and the facts, an assault a bunch of Washington lawyers trying to take advantage of a mistake.

Teamsters—I keep hearing in the Halls, "the Teamsters, the Teamsters, the Teamsters" have the Senator from Massachusetts all balled up on this and he has to go to bat for them. I have more Teamsters than any kind of Federal Express, just with regular delivery services, I imagine. We have \$100 million United Parcel Service facility there and the finest Teamster crowd you have ever seen. We have them at Owens Corning and Mack Truck, and otherwise they have been very supportive of this Senator. They have not told me of a conflict. Another Senator earlier today said just exactly that.

The idea that we are coming here at the last minute—what happened after that, the mistake was determined at the end of February or the beginning of March over on the House side. When they learned that, Mr. President, they put in a measure which was blocked. I was asked—because I am the ranking member of the particular committee with the ICC, as the distinguished Presiding Officer knows—"Well, it happened on your watch; do you mind correcting this mistake," and I say, "Not at all."

I presented it in the Appropriations Committee we had an 11-11 vote, not 10-10. I did not have the proxies or we would have passed it, and the mistake would have been corrected. I did not bother with it. I thought everybody would want to correct an innocent mistake.

Come now, Mr. President, with the idea we are trying to jam or hold up safety legislation or the FAA bill, or this is not the place for it, and everything else at the last minute is totally out of the whole cloth. They know differently. They are playing their political strength.

I do not know that Federal Express has got much political clout because they are not in South Carolina, and I am not that familiar with them, but I do know that I am not only keenly interested in the truth but I am interested in the operation. I might as well plead guilty on this score because, Mr. President, 10 years ago when I was trying to find hay for the farmers and

their herds down in South Carolina I finally located some up in Massachusetts. I called over to the White House, as other Senators were calling, and the White House said, "Senator, there is no hay for you." "There is no plane for you." I said, "Come on, Senator so and so." "You do not understand, Senator, there is no plane for you."

I said heavens above, I commented in the cloakroom to a few of my colleagues, that was a heck of a note. I had the hay. I had the cattle that were starving and the farmers that were ready. But the phone rang and there was a fellow named Freddy Smith from Federal Express. He had heard about it and we called, and the next thing you know, he had two planes, Federal Express planes, bring it down one Sunday.

I had my commission of labor—the 4-H Club, and all of us there, my wife and myself—and we unloaded the hay all Sunday morning and afternoon. I said, "I will never forget that fellow." So when they told me about the innocent mistake and told me it involved Freddy Smith, I got a very, very strong feeling about this.

I am not going to yield to the nonsense and mythical chicanery that is coming about here because they have the political clout. I know he said Republican. No Republican put this in. Democrat HOLLINGS put it in. It was not sneaked in or jammed in. We discussed it several times. It was an appropriate measure for it. In the conference, it was 8 to 2 in the vote to put it in. It passed by a strong vote on the House side.

He is trying to make it a partisan thing, which is unfortunate, because right is right and wrong is wrong. Here is the intent put in there, and I am going to get the decisions made because I have been called over now. I didn't think we were going to have to try to cave in for the truth around here. But right this minute as they talk about that case, the mediation board back in November 1995 ruled against them. It isn't trying to try a new practice. If you can get a choke point in one little town and close down a whole thing, you have no express service. And in the interest of express service, that is what is intended by the Congress. We are not trying to get anything new. We are trying to get something contained and maintained in the law that has allowed this particular airline carrier to flourish and grow. There is nothing new about this. We are trying to get it back.

As stated in the statute itself—I emphasize by reading it the second time—the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act.

Now, who is trying to sneak in or jam or get something changed? If it is HOLLINGS, he is trying to get it for the truth. He is trying to get back to the facts. He is not trying to get an advantage or disadvantage. He is trying to get back to the intent of Congress.

We were there. The Senator from Massachusetts is not on that committee. He is not on that conference. But he talks like now we are jamming it, and everything else of that kind. I am not going to let that rat-a-tat go by on this floor. I have got good time here. I know about the FAA. It is on my committee. I can tell you that right now. The FAA has not only its grants given to the airports, it has its trust funds to operate in a certain measure the airports. It has its trust funds for the safety devices and otherwise in there.

So I can tell you, it is not done for one company, and we have to have hearings. Come on, that ought to be ashes in their mouths. Have hearings? When did they have hearings to delete? Who called the hearings? Name the Senator. Name the House Member. Name the committee. They have the unmitigated gall to come here and act like it is orderly procedure; now let us get hearings when they have done the sneaking and they have done the jamming. They ought to be ashamed of themselves.

I yield the floor.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. GRASSLEY). The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, I defer to the chairman of the Appropriations Committee.

Mr. HATFIELD. If the Senator will withhold for a moment, we want to get a unanimous consent so we can adopt the appropriations bill.

Mr. COATS. I yield to my opportunity to be recognized by the Chair. I would be happy to withhold for a moment while the chairman of the Appropriations Committee and the ranking member discuss it.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, the majority leader and the minority leader have worked out a unanimous-consent agreement.

The ranking member of the Appropriations Committee, Senator BYRD, and I have gone over this. And we also concur.

So, at this time, Mr. President, with Senator BYRD's presence on the floor, I would like to propound the unanimous-consent request.

I ask unanimous consent that final passage of H.R. 4278, the omnibus appropriations legislation, occur no later than 6 p.m. today, with the time between now and 6 p.m. equally divided between the two leaders, or their designees; and, further, that no amendments, motions, or points of order be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, I am wondering if I could slightly amend to allow this Senator no more than 5 or 6 minutes to speak on the matter that I was recognized for before the request occurred.

Mr. HATFIELD. I yield the floor for that purpose.

I would like to get the agreement first.

Mr. COATS. But, as stipulated, it would preclude my opportunity to do that. I am just wondering if the Senator would amend his unanimous-consent request so that this Senator, who had been recognized before the unanimous-consent request, would be allowed to speak as if in morning business for up to 8 minutes.

Mr. BYRD. Mr. President, reserving the right to object, the Senator will have no trouble getting time from his leader. The time is equally divided between the two leaders.

Mr. COATS. That would be acceptable to this Senator. I am not speaking on the continuing resolution. So I will speak as if in morning business. I want to make sure that I have the opportunity to get that time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I reserved the right to object.

Was this other matter resolved?

The PRESIDING OFFICER. I am sorry.

The Senator from West Virginia.

Mr. BYRD. Was the matter resolved to the satisfaction of the Senator from Indiana?

Mr. HATFIELD. We do not want to cut out the Senator from Indiana.

Mr. COATS. I want to make sure I have the opportunity to speak.

Mr. HATFIELD. I can assure the Senator from Indiana, as we have been speaking as if in morning business, with the colloquy that was just going on which the Senator from Indiana would like to engage in, I will have no objections to whatever parliamentary request he has to make in order to speak.

Mr. COATS. That is more than acceptable to this Senator.

Mr. KENNEDY. Mr. President, reserving the right to object —

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe that the minority leader will give me 5 minutes. But it is not on this related matter of the continuing resolution. It is from the minority leader's time. I wanted to have a continuing discussion on that measure. I need maybe 4 minutes or 5 minutes sometime.

So I would be glad to do whatever. The measure which they are managing is of the utmost importance. I wanted to get 5 minutes just to respond quickly to the matter. So I am glad to do it in whatever way the two leaders want to proceed.

The PRESIDING OFFICER. Is the body ready to put the question?

Mr. KENNEDY. Mr. President, I hope maybe that—reserving the right to object—out of that time we are going to